

REMARKS

Applicant has carefully reviewed the Official Action dated March 17, 2009 for the above identified patent application.

In response to the objection raised against claims 1, 5, 7 and 14 at page 2, paragraph 1 of the Official Action, the form of these claims has been revised to replace the term "plastics" with -plastic - -.

At page 2, paragraph 3 of the Official Action, claims 1 – 20 have been rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. The basis for this formal ground of rejection is that the recitations "the rear wall" and "the side walls" in independent claim 1 do not have proper antecedent basis. In response to this formal ground of rejection, the form of independent claim 1 has been revised to provide proper antecedent basis for both the recitations "the rear wall" and "the side walls".

The form of claims 9 and 17 have been amended to correct minor typographical errors.

At page 2, paragraph 5 of the Official Action, independent claim 1 has been rejected over the Manzardo patent (U.S. Patent No. 3, 070, 235).

At page 5, paragraph 6 of the Official Action, independent claim 1 has been rejected as being obvious over the Hsu patent (U.S. Patent No. 6, 474, 759).

Claim 1 is the only independent claim pending in this patent application. Accordingly, for the purpose of simplifying the issues, only the prior art rejections of independent claim 1 will be addressed. If independent claim 1 is deemed to be allowable, the remaining dependent claims will be allowed at least for the same reasons as parent independent claim 1.

Applicant initially notes that independent claim 1 has been amended to include the features of dependent claim 3, and dependent claim 3 has been cancelled, without prejudice. For the reasons discussed below, Applicant respectfully submits that independent claim 1, as amended herein, is not taught or suggested by either the Manzardo or Hsu patents applied to reject it in the outstanding Official Action.

Manzardo patent does not teach continuous profiles, as disclosed by Applicant and expressly recited in independent claim 1. On the contrary, the Manzardo patent, at column 4, lines 44-45, discloses that the key system illustrated in Figures 18-20 of the drawing, consists of wood. Manzardo does not disclose how the wood is machined, and thereby does not teach or suggest cut-to-length continuous profiles, as disclosed by Applicant and as expressly recited in independent claim 1.

In addition to the above, the key system disclosed by Manzardo has no guide lugs in the top and bottom part which jut into cavities in the side walls, as also disclosed by Applicant and expressly recited in independent claim 1. The Manzardo patent does not disclose how the side walls 101 and 102 are fixed to the top part 104 and the bottom part 105 of the illustrated frame. Therefore, the disclosure of the Manzardo patent clearly does not teach or suggest to a person skilled in the relevant art to arrange guide lugs which jut into cavities, as disclosed and claimed by Applicant.

Referring now to the Hsu patent, page 5, paragraph 6 of the Official Action contends that this reference teaches a "key" box. Applicant respectfully disagrees with this interpretation of the Hsu patent which discloses only an ordinary cabinet for storing any type of article. Additionally, the Hsu patent does not teach or suggest key hanging means, as disclosed by Applicant and expressly recited in independent claim 1. On the contrary, the horizontal ledge of the rear wall of the cabinet disclosed by Hsu is not appropriate for hanging keys because there is no protrusion on which a key could be hung.

Neither the side walls or the door of the housing of the Hsu patent is formed from cut-to-length continuous profiles, as disclosed by Applicant and expressly recited in independent claim 1. As the Examiner concedes in the Official Action, the housing of the Hsu patent is made from a plastic material. Accordingly, the side walls and the door of the housing disclosed by Hsu are molded together as integral parts, and are not constructed by cut-to-length profiles.

The Hsu patent also does not teach or suggest that cut-to-length continuous profiles could be used for manufacturing the side walls or the door of the housing. On the contrary, by disclosing integrally molded parts, the Hsu patent teaches away from cut-to-length continuous profiles, as disclosed by Applicant and as expressly recited in independent claim 1.

Applicant respectfully submits, in view of the above discussion, that neither of the two prior art references applied to reject independent claim 1 teaches or suggests the key box defined by independent claim 1, when all features of the claimed device, including all positively recited structure and structural arrangement, are considered in the patentability determination. Neither of the two applied prior art references teaches all features recited in independent claim 1, and each of the two applied prior art references includes features which teach against the structure and structural arrangement expressly recited in independent claim 1. As a result of the contrary teachings advocated by each of the applied prior art references, there is clearly no suggestion or motivation to a person skilled in the relevant art to modify either of the two applied prior art references in any manner rendering independent claim 1 obvious. Therefore, the only possible basis for the combination of references made in the Official Action results from the use of Applicant's own disclosure as a guide for selectively combining/modifying the applied prior art references. However, it is well established that it is improper to use an Applicant's own disclosure as a guide modifying prior art references for the purpose of rejecting Applicant's claims based upon the modified references. See, for example, Orthopedic Equipment Company v. United States, 217 USPQ 193 (Fed. Cir. 1983).

Applicant respectfully submits that when all structure and structural arrangement defined by independent claim 1 is considered in the patentability determination, and compared to the contrary teachings of the two applied prior art references, independent claim 1 is clearly allowable over each of the two applied prior art references. Dependent claims 2 and 4-20, which depend directly or indirectly from independent claim 1 and therefore include all features of that claim, are allowable at least for the same reasons as parent independent claim 1.

Applicant respectfully submits that the present patent application is in condition for allowance, and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark P. Stone". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

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